

**[4 PAGES]**

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Attorneys for Plaintiffs

ANDREW and MARINA FOX

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

In re

Case No. 12-26226-C-7

ROBERT MICHAEL DE LONG and DIANE  
MICHELLE DE LONG,

Adv No. 12-02298-C

Debtor(s).

AMENDED JOINT STIPULATION TO  
CONTINUE TRIAL; [PROPOSED] ORDER

ANDREW FOX, et al. ,

Judge: Hon. Christopher M. Klein

Plaintiff(s),

v.

ROBERT MICHAEL DE LONG,

Defendant(s).

Plaintiffs ANDREW and MARINA FOX ("Plaintiffs") and Defendant ROBERT MICHAEL  
DE LONG ("Defendant") (collectively "Parties"), by and through their counsel of record, hereby  
stipulate and request as follows:

WILKE, FLEURY,

RECEIVED

March 13, 2014

CLERK, U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
0005140676

1           1.       This matter is scheduled for trial to commence on March 11, 2014 before the  
2 Honorable David Russell, Courtroom Number 35, Sixth Floor, United States Bankruptcy Court, 501 I  
3 Street, Sacramento, California. Per the Civil Minute Order issued by the Honorable Ronald H. Sargis  
4 on said date, pretrial disclosures, as well as additional materials required by Local Bankruptcy Rule  
5 9017-1, would be due on February 4, 2014, for Plaintiffs and February 11, 2014, for Defendant.

6           2.       Subsequently, on January 24, 2014, the Court issued an order extending the discovery  
7 deadline for Plaintiffs and scheduling a new pretrial conference. Per the Court's order, the discovery  
8 deadline for Plaintiffs was extended to January 31, 2014. Further, a new pretrial conference was  
9 scheduled for February 12, 2014, at 1:30 p.m.

10          3.       Counsel for Plaintiffs noticed and took the continued deposition of defendant Robert  
11 De Long on January 15, 2014. Although he produced some additional banking records which are  
12 necessary for Plaintiff's case, there are still documents he stated he is waiting to receive and which  
13 were not and have not yet been produced. Counsel for Plaintiffs and Defendant are coordinating the  
14 production of these records associated with Defendant's bank accounts, which were responsive to  
15 Plaintiffs' requests for production of documents and his deposition notice. Plaintiffs reasonably  
16 believe that Defendant's bank records will reveal information that will be pertinent to Plaintiffs'  
17 pretrial disclosures and will require Plaintiffs to perform further discovery, including additional  
18 percipient witness depositions. However, just as before in the prior stipulation to move out the trial  
19 dates and other dates triggered therefrom, it is necessary that the discovery cutoff, pretrial disclosure  
20 deadline, and pretrial conference be continued. If said documents are not received by February 20,  
21 2014, then Plaintiff's will make the necessary motions to this court to address the failure of Plaintiffs  
22 to produce.

23          4.       Counsel for Plaintiffs and Defendant have met and conferred regarding the above-  
24 discussed issues and their respective trial calendars and Plaintiffs' need to conduct additional  
25 discovery prior to trial in this matter. In the interest of permitting Plaintiffs adequate time to complete  
26 discovery, counsel are in agreement and hereby stipulate to vacate the current trial date; pretrial  
27 conference date; date for pretrial disclosures as well as disclosures of additional materials required by  
28 Local Bankruptcy Rule 9017-1; and Plaintiffs' discovery deadline.

5. In addition, counsel for Plaintiffs and Defendant stipulate to reschedule said dates to the following:

- a. Trial rescheduled to commence on **June 11, 2014**, at 10:00 a.m. or as soon thereafter based on the Court's availability;
- b. Pretrial conference rescheduled to **May 9, 2014**, at 10:00 a.m. or as soon thereafter based on the Court's availability;
- c. Pretrial disclosures, including disclosure of additional materials required by Local Bankruptcy Rule 9017-1 rescheduled to **April 28, 2014** for Plaintiffs and **May 2, 2014** for Defendant;
- d. Discovery deadline extended for Plaintiffs to **April 22, 2014**.

6. This stipulation will not result in prejudice to any party and its impact on judicial proceedings is not expected to be significant.

**IT IS SO STIPULATED AND REQUESTED**

DATED: March 12, 2014

WILKE, FLEURY, HOFFELT,  
GOULD & BIRNEY, LLP

By: 

GEORGE A. GUTHRIE  
DANIEL J. FOSTER  
Attorneys for Plaintiffs  
ANDREW and MARINA FOX

DATED: March 12, 2014

RUEHMANN LAW FIRM, P.C.

By: 

STEPHEN C. RUEHMANN  
Attorneys for Plaintiffs *Defendant*  
ROBERT MICHAEL DE LONG

**PROPOSED ORDER**

Having considered the above Stipulation between Plaintiffs ANDREW and MARINA FOX and Defendant ROBERT MICHAEL DE LONG, and GOOD CAUSE appearing:

**IT IS HEREBY ORDERED** that the current trial date; pretrial conference date; date for pretrial disclosures as well as disclosures of additional materials required by Local Bankruptcy Rule 9017-1; and Plaintiffs' discovery deadline be vacated and rescheduled to the following:

1. Trial rescheduled to commence on **June 11, 2014**, at 10:00 a.m. or as soon thereafter based on the Court's availability;
2. Pretrial conference rescheduled to **May 9, 2014**, at 10:00 a.m. or as soon thereafter based on the Court's availability;
3. Pretrial disclosures, including disclosure of additional materials required by Local Bankruptcy Rule 9017-1 rescheduled to **April 28, 2014** for Plaintiffs and **May 2, 2014** for Defendant;
4. Discovery deadline extended for Plaintiffs to **April 22, 2014**.

Dated: March 20, 2014

By the Court

  
David E. Russell, Judge  
United States Bankruptcy Court

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF SACRAMENTO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, Twenty-Second Floor, Sacramento, CA 95814.

On March 13, 2014, I served true copies of the following document(s) described as **AMENDED JOINT STIPULATION TO CONTINUE TRIAL** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

☒ **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on March 13, 2014, at Sacramento, California.

\_\_\_\_\_/s/  
Melissa M. Eaton

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**SERVICE LIST**  
**Fox v. Cascadian Landscape, et. al.**  
**U.S. Bankruptcy Court Case No. 12-26226-C-7**  
**Adversary Proceeding No. 12-02298-C**

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